

**DAVIE WATER AND ENVIRONMENTAL
ADVISORY BOARD
JULY 17, 2001**

1. ROLL CALL

The meeting was called to order at 5:30 p.m. Board members present were Chair Don Zane, Vice-Chair James Aucamp, Sr., Dean Alexander, Michael Crowley, Mark Flynt, Gary Gaffney, Tom Green (arrived at 5:35 p.m.), Robert Hoth, Daniel Lavrich, Gail Ling and Ronald Phillips (arrived at 5:45 p.m.). Also present were Utilities Director Daniel Colabella and Board Secretary Jenevia Edwards recording the meeting. Mike Bender, Raul Bosque, Jeffrey Harrod and Dan Pignato were absent.

Chair Zane commented on the length of time being utilized to contact each board member prior to meetings. He suggested that Board provide the Board Secretary with their e-mail address.

2. PRESENTATION

2.1 Noxious Trees and Xeriscaping by Casey Lee, Chief Landscape Inspector -
Planning and Zoning Division

Chair Zane suggested that the item be tabled until the next meeting to be held in August.

3. OLD BUSINESS

3.1 Possibility of the Town Adopting a New Code to the Town Code of Ordinances
for the Eradication of Noxious Trees

Mr. Gaffney read a proposed ordinance and distributed copies. Ms. Ling commented that this would involve the Public Works Department and inquired as to the number of trees and the additional man hours and responsibilities that would be involved for the workers. She added that there were no funds budgeted for additional employees or for the removal of trees. Ms. Ling also referred to the legal implications should a resident's property be damaged during the removal of a tree.

Mr. Hoth commented that he favored the idea, however, the application of the process would be too exorbitant and he did not believe that this was something that the Town would ever be able to afford. He commented that the Public Works Department would not be able to handle anything additional especially something the magnitude of the proposed exercise. Mr. Hoth expressed the opinion that the cost would be too much to remove "pest" tree from the Town. Mr. Aucamp added that the Town was not equipped for the removal of some of the existing trees and a contract would be needed.

A lengthy discussion followed regarding the exorbitant cost for an exercise of this nature with Chair Zane suggesting that Mr. Gaffney attempt to modify the proposed ordinance to relate only to rights-of-way within a certain number of feet from roadways and exclude Town parks. Mr. Gaffney agreed and explained that although the exercise might appear cost prohibitive, liability costs would be greater and there had to be a balance. He discussed the proposal at length likening it to the Citrus Canker problem, and explained that however cost prohibitive it might be to remove the invasive trees, if this was not done, they would propagate the entire Town. He added that the question as to who would be responsible for paying for the removal of the trees should not be the Board's concern. Mr. Gaffney commented that if this was viewed as something beneficial for the Town, it should be submitted to Council and let them vote on it.

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Mr. Lavrich commented that if the existing trees were removed, it would take another 50 years for the replacements to grow to the same height. He discussed the cost for the removal of the trees and indicated that there were better uses for Town funds. Mr. Lavrich indicated that there were ordinances already in place and the problem was being addressed in a prudent manner. He expressed the opinion that the proposed ordinance was extreme and unless severe and immediate danger was shown, there was no reason for such a proposal. Mr. Lavrich added that taxes would have to be raised to accommodate this proposal and he was against the proposed ordinance.

Mr. Flynt commented that if the proposal was on a smaller scale, it would be more powerful. He suggested that the Australian Pines be removed from the list and the concentration be on Malalukas and Brazilian Peppers. Mr. Flynt commented that although the Australian Pines were invasive, they appeared to serve a purpose by providing shade and acted as sound buffers. He agreed with Mr. Lavrich comments concerning eminent danger and reiterated that the proposal on a smaller scale to remove some of the noxious trees might be successful.

Chair Zane reiterated his suggestion for modification of the ordinance to include input from Chief Landscape Officer Casey Lee and a representative from the Code Compliance Division who would have the authority to support the need to remove trees that were destroying roadways and/or hanging over the road. He commented that homeowners could be forced to remove these trees, possibly with the Town's assistance. Chair Zane indicated that it was his understanding that the trees would have the right-of-way if they were in place before the roads were built. Mr. Gaffney commented that the trees referenced were not considered "trees" under the Code, but "nuisance vegetation". Discussion continued regarding the right of the trees versus the road, with Chair Zane commenting that there had always been a conflict in the Town regarding those rights. Mr. Hoth commented that the problem was created by the Town because the road surface should have been built thicker to prevent permeation at such a rapid rate. Mr. Alexander added that if all the trees were removed, the Town would become bare. Mr. Gaffney indicated that he would withdraw his proposal if all the Board members objected to the proposed ordinance.

Chair Zane referred to areas such as Sanibel where a concerted effort had been made to eliminate nuisance vegetation. He indicated that such an effort could also be made in the Town; however, there was a large amount of open space still within the Town that was overrun with these trees. Mr. Gaffney indicated that the Code provided for the removal of nuisance vegetation from large sections of undeveloped land, when developed. He indicated that the ordinance would only apply to areas that were already developed or on Town rights-of-way. Mr. Gaffney referred to damage done by Australian Pines during a hurricane and the potential for a lawsuit against the Town if a tree owned by the Town fell on the home of a resident during a windstorm. He indicated that this was dangerous and the approval of this ordinance would create a preventive measure. A lengthy discussion followed regarding legal ramifications that could involve the Town. Mr. Alexander referred to a similar problem in the City of Port St. Lucie that he had challenged on constitutional grounds in court. He indicated this challenge resulted in the city rewriting the entire ordinance and removing nuisance trees.

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Mr. Crowley agreed that the proposal was a great idea; however, he believed with the other Board members that it was a multi-million dollar project. He referred to discussions that he had with Public Works Manager Bruce Bernard who also agreed that the cost would be exorbitant.

Chair Zane asked for second to Mr. Gaffney's motion. Mr. Gaffney indicated that he would withdraw the motion because it appeared to be a monetary issue. He concluded that he believed that everything that the Board would recommend would require funds and he hoped that this was not a prelude to future suggestions. Mr. Alexander commented that recommendations would cost money but there were degrees. He referred to a recommendation previously made by the Board for the installation of rain sensors on all Town sprinklers. Mr. Crowley indicated that he would support the ordinance if the tree removal was limited to road rights-of-way. Chair Zane agreed. Mr. Harrod asked who would be responsible for the maintenance of trees that were in the right-of-way of Florida Power and Light. Mr. Hoth responded that it was the property owner's responsibility. Mr. Colabella added that if the property owner did not maintain or remove the trees, fines were imposed by Code Compliance. A lengthy discussion ensued regarding the location of the trees. Mr. Green commented that if the purpose of the ordinance was to prevent the spread of the trees, how would the removal from the road rights-of-way make sense. Mr. Hoth responded that this was a safety issue and he was in agreement. Chair Zane reiterated that Mr. Gaffney should modify the ordinance and in so doing refer to the safety issue on rights-of-way. He added that once this was completed it could be readdressed by the Board.

Chair Zane passed the gavel and made a motion, seconded by Ms. Ling that Council prepare an ordinance requiring that new development have a percentage of land xeriscaped rather than sodded on any new home or any property improved over \$25,000. Vice-Chair Aucamp asked for a discussion. Chair Zane indicated that the item could be discussed or Board members could give it some thought for discussion at the August meeting. Mr. Phillips asked for the meaning of xeriscaping which Chair Zane explained. Chair Zane added that Casey Lee was conducting studies on other boroughs to find out the percentage of land being xeriscaped. He indicated that there was no ordinance in the Town on xeriscaping; however, it was recommended, but not enforced. Chair Zane commented that with the present drought, xeriscaping would be beneficial for everyone.

Mr. Green asked if it was under the purview of the Board to initiate the purchase of land in the Town with Bond money from the County. He indicated that he had not observed any action in that regard and what he had seen was already platted. Discussion ensued with Chair Zane indicating that information that he had received was that several Councilmembers were pushing for certain pieces of property to be purchased from the bond money; however, neither the property location nor the purpose was clear. He added that the bond money had become a political football. Chair Zane agreed that the Board should make a recommendation but it was difficult to find out what properties were available. Mr. Hoth commented that there had been discussions regarding available properties by the Open Space Advisory Board and suggested that Chair Zane attend a meeting to discuss the issue. A lengthy discussion followed regarding location of properties and the possible mitigation of some of these properties if they were available for purchase. Chair Zane agreed with Mr. Alexander that some locations were kept

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secret because of a fear of the price increasing. He referred to Councilmembers who were against certain types of development and indicated that there was a new requirement in the Town for land use changes. Discussion continued regarding land use changes, zoning and areas for mitigation. Mr. Hoth commented that he believed that the County wanted to purchase property in the eastern part of the County that had been neglected for some time. He expressed the opinion that it was too late. Chair Zane commented that Vice-Mayor Paul and Councilmember Starkey would have information regarding proposed mitigation areas. He referred to the Mitigation Bank and indicated that part of their role was to remove noxious trees which Mr. Gaffney had proposed.

4. NEW BUSINESS

Chair Zane commented on traffic in western Davie and commented that residents were not aware of work being conducted by the Florida Department of Transportation. He referred to the exits at I-75 and suggested that the Board be prepared as the western Davie would be affected. Chair Zane indicated that there were plans for two additional exits off I-75 and expressed the opinion that this was not a sensible plan. He asked who on staff would have knowledge of such a proposal with Mr. Colabella responding that it would be the Engineering Department. A lengthy discussion followed with Chair Zane commenting that this proposal would have a great impact on the environment in west Davie. Chair Zane indicated that he would like Development Services Director Mark Kutney to attend the upcoming Board meeting.

Ms. Ling inquired about drainage and cleaning of the canals within the Town. Chair Zane indicated that he had spoken with Town Administrator Thomas Willi who assured him that he would provide a list of drainage ditches along the Town's rights-of-way that would be opened and cleaned. Mr. Gaffney commented that Mr. Colabella had offered to provide the Board with a projection for new drainage construction facilities. Chair Zane indicated that the information was not yet available.

Mr. Flynt commented that there had been discussions within the Town concerning conservation easements and he would like this as an item on the agenda for the next meeting. He explained that the Town was attempting to obtain grant money from the State to purchase open space and there was a way to achieve preservation of the property without an actual purchase. He distributed handouts and explained the process involved. Mr. Green inquired if there was any similarity to development rights with Mr. Flynt responding affirmatively. Mr. Flynt commented that he was not an expert and explained that most of his information was retrieved from the Internet. Chair Zane commented if there was an interest by the Board, an expert could be brought in to make a presentation to the Board. Mr. Flynt indicated that the recommendation of a conservation easement would save the Town money. Mr. Green indicated that the Agrarian Committee would be able to provide information to this effect. Chair Zane asked that this be placed on the agenda for discussion at the next meeting.

5. COMMENTS AND/OR SUGGESTIONS

There were no comments or suggestions.

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6. ADJOURNMENT

Mr. Crowley made a motion, seconded by Mr. Flynt, to adjourn. There being no objections, with Messrs. Bender, Bosque, Harrod and Pignato being absent, the meeting adjourned at 6:30 p.m.

Date Approved

Chair/Board Member

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